

Report

Public Facilities Needs Assessment for Fire Station Impact Fees

Project I.D.: 06C007

Town of Clayton, Wisconsin

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Town of Clayton

Public Facilities Needs Assessment for Fire Station Impact Fees

Contents

	Page
1. Introduction	1
1.1 Purpose of this Needs Assessment	1
1.2 Scope of Needs Assessment	2
1.3 Available Information.....	2
2. Impact Fee Requirements	3
3. Growth Projections	5
3.1 Historic and Projected Population and Households	5
3.2 Commercial and Industrial Projections	8
4. Inventory of Existing and Future Fire Department Facilities.....	11
4.1 Existing Fire Department Facilities and Services.....	11
4.2 Future Fire Department Improvements	11
4.3 Service Level Standard.....	13
5. Allocation of Costs	16
5.1 Capital Costs.....	19
5.2 Fire Station Impact Fee.....	20
5.3 Effect of Impact Fees on Housing Affordability	21

Tables

Table 3-1	Historic and Projected Population, Town of Clayton	5
Table 3-2	Historic and Projected Households and Household Size.....	6
Table 3-3	Building Inspector Report New Homes, Town of Clayton, 1994-2005	7
Table 3-4	Selected Housing and Population Projection, Town of Clayton, 2005-2025	8
Table 3-5	Projected Commercial and Industrial Square Feet, Town of Clayton, 2004-2025.....	10
Table 4-1	Fire Department Inventory, 2005.....	12
Table 5-1	New Fire Station Building Model, City of Crandon, Town of Clayton	16
Table 5-2	New Fire Station Capital Cost Estimates, Town of Clayton (2006 Dollars)	19
Table 5-3	Impact Fee Computation per Household Development, Town of Clayton	20
Table 5-4	Impact Fee Computation per Square Foot for Commercial and Industrial Development, Town of Clayton	21
Table 5-5	Effect of Impact Fees on Housing Affordability, Town of Clayton	22

Figures

Figure 5-1	St. Germain Fire Station Facility Example	17
Figure 5-2	Crandon Fire Station Facility Example.....	18

Maps

Map Fire Station Driving Distances, Town of Clayton	15
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Appendices

Appendix A	Wisconsin Statute 66.0617, Wisconsin Act 477
Appendix B	Public Hearing Notice
Appendix C	Impact Fee Ordinance

1. Introduction

The Town of Clayton is located in the northeastern portion of Winnebago County, and covers approximately 36 square miles. Clayton is located approximately five miles west of Appleton and eight miles north of Oshkosh. The town's slogan, "A Touch of Country," reflects that, while the town is located in a rural/suburban setting, there is also urban development occurring within the community.

During the 1970s and 1980s, the Town of Clayton experienced the development of a limited number of rural subdivisions. By the mid 1990s, however, the town began to attract a greater number of developers and residents. The driving force behind the Town of Clayton's growth has always been its reasonable proximity to the urban amenities and employment available in the Fox Cities. In recent years, transportation improvements, the increase in retail, commercial and industrial operations, and steadily increasing residential growth throughout the Fox Cities has maintained the town's trend toward suburbanization. As noted in the town's 2004-2024 comprehensive plan, the challenge for the Town of Clayton is to be prepared to manage and serve new growth and development opportunities as the transition from rural to suburban continues.

The Town of Clayton is taking the necessary steps to ensure public facilities are in place to accommodate new development. To do this, public infrastructure must be in place which has sufficient capacity to accommodate anticipated development for many years into the future. Since future residents and property owners who require the excess capacity are not part of the town during the construction of such facilities, existing residents and property owners may bear more than a proportionate share of the costs to build or expand facilities required by future development. The use of development impact fees will allow the town to recover these costs and equitably distribute the financial burden between new and existing property owners and developers.

1.1 Purpose of this Needs Assessment

In 1995 the Wisconsin Statutes gave municipalities the authority to impose impact fees on developers to pay for the capital costs for construction, expansion, and improvement of facilities which will serve new development. The purpose of this public facilities needs assessment is to determine the fire protection needs for land development and make recommendations regarding the amount of impact fees to impose in accordance with Wisconsin State Statute 66.0617. A copy of Wisconsin State Statute 66.0617 and Wisconsin Act 477 are included in Appendix A. Wisconsin Act 477 was enacted on May 30, 2006 and amended portions of Wisconsin State Statute 66.0617. Currently the Town of Clayton does not have an impact fee ordinance in place and consequently does not assess impact fees at this time.

The impact fee will be a one-time fee collected from a developer or property owner. The collected fees are required by statute to each be placed in a separate segregated account and to be used only for the particular capital cost for which the fee was imposed. The fee can be used to pay for legal, engineering, and design costs associated with facilities. The imposition of impact

fees should offset the cost of providing new facilities for future users and thereby reduce the burden of these costs on existing users.

1.2 Scope of Needs Assessment

In accordance with Wisconsin State Statute 66.0617 and Wisconsin Act 477, the public facilities needs assessment shall include:

- ◆ An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.
- ◆ An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.
- ◆ A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities required to serve land development.
- ◆ An estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the municipality.
- ◆ Calculation of the impact fee based on a rational and equitable relationship to the need for new, expanded, or improved facilities that are required to serve new land development.

The impact fee ordinance is provided in Appendix C.

1.3 Available Information

The following information was utilized for the preparation of this study.

- ◆ *Town of Clayton Comprehensive Plan 2004-2024*, Adopted July 6, 2004.
- ◆ July 6, 2006 and August 9, 2006 meetings with Town Board and Administrator.
- ◆ Building Inspector Building Reports, available for 1994 through 2005.
- ◆ Town of Clayton web-site at www.focol.org/townclayton/index.html.
- ◆ Public hearing on impact fees held on October 18, 2006.

2. Impact Fee Requirements

Impact fees are regulated under Wisconsin State Statute 66.0617 and amendments under Wisconsin Act 477 and 203. An impact fee is defined as cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer or property owner by a municipality. A developer, as defined by the statute, is a person that constructs or creates land development. Land development, also defined by statute, means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within a municipality.

Public facilities for which impact fees can be imposed are also defined by statute. Public facilities means highways, and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds, land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities, and libraries. The statute also details that other non-capital costs to construct, expand, or improve public facilities including vehicles can not be included. Therefore, impact fees can be used to pay for the capital costs associated with fire station development and necessary traffic control devices. The statute also states that legal, engineering, and design costs can be included given these costs are no more than 10% of capital costs or it can be demonstrated by the municipality that the 10% threshold needs to be exceeded.

In addition to Wisconsin Act 477, Wisconsin Act 203 made adjustments to the impact fee statute. Act 203 requires that impact fees not used within seven years after collection to pay for capital costs must be refunded to the current property owner, which may not necessarily be the individual who initially paid the fee. Under the Act, the seven year time limit may be extended for three years if the Town of Clayton adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the seven year limit, it needs an additional three years to use the impact fees. The resolution must specify the extenuating circumstances or hardship.

The creation of an impact fee includes the following key elements:

- ◆ Preparation of a public facilities needs assessment to demonstrate that the fee is calculated and applied appropriately;
- ◆ Institution of an impact fee ordinance; and
- ◆ Implementation of a public hearing process to review the public facilities needs assessment and proposed ordinance.

Impact fees imposed by ordinance are required to meet the following standards:

- ◆ Bear a rational relationship to the need for new, expanded, or improved public facilities that are required to serve land development.

- ◆ May not exceed the proportionate share of the capital costs that are required to service land development, as compared to existing uses of land within the municipality.
- ◆ Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded, or improved public facilities.
- ◆ Shall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications, or any other items of value.
- ◆ Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.
- ◆ May not include amounts necessary to address existing deficiencies in public facilities.
- ◆ Shall be payable by the developer or the property owner to the municipality in full within 14 days of the issuance of a building permit or within 14 days of the issuance of an occupancy permit by the municipality.

In accordance with state statute, this public facilities needs assessment was made available for public inspection and copying in the office of the clerk at least 20 days before the date of the public hearing. The public hearing was held on October 18, 2006.

3. Growth Projections

3.1 Historic and Projected Population and Households

Estimated growth forms the basis for determining how many future developments will be served by fire station facility development. There were four sources of population projections: 1) Wisconsin Department of Administration (WDOA), 2) the *Town of Clayton Comprehensive Plan 2004-2024*, and 3) East Central Wisconsin Regional Planning Commission (ECWRPC). Table 3-1 shows these three projections as well as Census counts and official population estimates for the town from the WDOA. The fourth population projection, based on building permits, is provided in Table 3-4. The Town of Clayton had a 2006 preliminary population estimate from the Wisconsin Department of Administration of 3,531.

Table 3-1
Historic and Projected Population, Town of Clayton

Year	Census	WDOA Pop. Estimate	WDOA Projections	Comp Plan Projections	ECWRPC Projections
1970	1,771				
1980	2,353				
1990	2,264				
2000	2,974				
2001		3,027			
2002		3,138			
2003		3,209			
2004		3,301			
2005		3,400	3,272	3,450	3,375
2010			3,553	4,002	3,643
2015			3,830	4,642	3,922
2020			4,116	5,385	4,224
2025			4,421		4,559
2030					4,895

Sources: U.S. Bureau of the Census 1970-2000. Final Population Estimates, Wisconsin Department of Administration, Demographic Services Center, 2001-2005. Final Population Projections for Wisconsin Municipalities: 2000-2025, Wisconsin Department of Administration, Demographic Services Center, January 2004. Town of Clayton Comprehensive Plan 2004-2024, Adopted July 6, 2006. 2005-2030 Population Projections for Communities in East Central Wisconsin, East Central Wisconsin Regional Planning Commission, October 2004.

The basis for projected change in population and housing used to determine growth will be between the year 2005 and the year 2025. Population projections provided in the comprehensive plan were not completed to the year 2025, were significantly higher than the other two projections, and were therefore not used for analysis. The WDOA population estimate is used as the official 2005 population for analysis purposes. WDOA projected the town to have a 2025

population of 4,421 in 2025, or a growth of 1,021 (30%) from 2005. ECWRPC projected the town to have a 2025 population projection of 4,895 in 2025, or a growth of 1,495 (44%).

Table 3-2 details historic and projected household information for the Town of Clayton. Household projections were only available from the WDOA. Note that a household is defined as an occupied housing unit.

Table 3-2
Historic and Projected Households and Household Size,
Town of Clayton

Year	Census	Average HH Size	WDOA Projections
1970			
1980	742	3.17	
1990	809	2.80	
2000	1,071	2.78	
2005			1,191
2010			1,309
2015			1,422
2020			1,536
2025			1,653

Sources: U.S. Bureau of the Census, 1980-2000. Final Household Projections for Wisconsin Municipalities: 2000-2025, Wisconsin Department of Administration, Demographic Services Center, January 2004.

Utilizing WDOA household projections, the Town of Clayton is projected to add 462 households between 2005 and 2025, or approximately 23 homes per year.

In addition to population and household projections the Town of Clayton creates annual building reports from the Building Inspector. These reports are available from 1994 through 2005 and detail the number of new single family home permits per year. Table 3-3 details building report trends in the Town of Clayton.

Table 3-3
 Building Inspector Report New Homes,
 Town of Clayton, 1994-2005

Year	New Homes
1994	26
1995	23
1996	29
1997	36
1998	33
1999	32
2000	35
2001	44
2002	60
2003	53
2004	75
2005	46
Total	492
12-Year Average	41

Source: Town of Clayton.

Town officials and administration have determined that building permit information will provide the basis for projected residential growth in the Town of Clayton. For analysis purposes it will be assumed that there will be 40 new homes in the town per year over the 20 year planning period.

Table 3-4 details the number of homes projected for the town from 2005 through 2025 as well as population based on the 40 new homes per year selected projection.

Table 3-4
Selected Housing and Population Projection,
Town of Clayton, 2005-2025

Year	Housing Units	Population
2000 (Census)	1,096	2,974
2005*	1,328	3,400
2010	1,528	3,956
2015	1,728	4,512
2020	1,928	5,068
2025	2,128	5,624
# Change 2005-2025	800	2,224
% Change 2005-2025	60.2%	65.4%

Source: U.S. Bureau of the Census, 2000. Town of Clayton Building Inspector Reports. Population projections include existing population plus growth which is based on 40 homes per year with average household size of 2.78 as reported by 2000 Census. *2005 housing units are based on the number of housing units in 2000 as reported by the Census and homes added from 2001 through 2004 based on town building inspector reports.

It is therefore assumed that the Town of Clayton will add 800 housing units between 2005 and 2025, or 40 new homes per year. The *Town of Clayton Comprehensive Plan 2004-2024* supports this projection for expected growth. The comprehensive plan included three household projections. The first projection estimated 382 households from 2005 to 2025 while the other two projections estimated a growth of 912 and 1,330 households. The population is projected to be 5,624 by the year 2025, a growth of 65.4% from 2005.

3.2 Commercial and Industrial Projections

As of 2004, the Town of Clayton had 125 acres of commercially developed land and 48 acres of industrial land use. Combined, these two land uses accounted for only 0.75% of the total land area in the town. According to the *Town of Clayton Comprehensive Plan 2004-2024*, business and commercial acreage needed through the year 2024 is approximately 550 acres, or about 28 acres per year. It was also projected that demand for industrially developed land in Clayton may increase dramatically. A proposed Fox Cities Regional Business/Industrial Park was planned to displace approximately 1,500 acres of current agriculture land and according to the comprehensive plan another 600 acres should be planned for other parts of the town, resulting in a total demand of 2,100 acres. However, after further clarification from the Town Administrator and Town Board, a scaled back total of 1,460 acres of industrial growth is anticipated. Should

the town's comprehensive plan be amended or updated in the future, changes should be reviewed for impact to this needs assessment.

Table 3-5 details commercial and industrial projected land demand in the town based on information provided in the comprehensive plan and from the town. The table also details estimated new commercial and industrial square footage in the town for the next 20 years.

Table 3-5
Projected Commercial and Industrial Square Feet, Town of Clayton, 2004-2025

Land Use	Existing Land Use Acres (2004) ¹	Future Land Use Acres (2025) ²	# Change (2025-2004)	% of Future Land Use	Future New Land Use Square Feet (2025 less 2004)	Projected Square Feet Coverage (15%) ³
Commercial	125	675	550	16.5%	23,958,000	3,593,700
Industrial	48	1,508	1,460	43.9%	63,597,600	9,539,640
Residential	1,783	3,100	1,317	39.6%		
Total	1,956	5,283	3,327	100.0%		

Sources: ^{1,2} *Town of Clayton Comprehensive Plan 2004-2024*, Adopted July 6, 2006. Future commercial land use includes existing land use and 550 acres as indicated as needed in the comprehensive plan. Future industrial land use includes existing land use and an additional 1,460 acres as indicated as needed in the comprehensive plan and from the Town of Clayton.

³ Assumes 15% of a total lot size will be for the actual industrial or commercial structure. Based on relevant town examples and the rural development pattern in the town.

Utilizing this projection technique, the Town of Clayton is estimated to add approximately 3.6 million square feet of commercial structures and 9.5 million square feet of industrial structures by the year 2025. This table also details the proportion of public facility development costs which should be attributed to residential, commercial, and industrial growth. As detailed, 16.5% should be allocated to commercial development, 43.9% to industrial development, and 39.6% to residential development.

4. Inventory of Existing and Future Fire Department Facilities

4.1 Existing Fire Department Facilities and Services

The Town Board must provide for fire protection for the town (Sec. 60.55(1)). Fire protection may be provided by a number of different methods, and the same method need not be used for the entire town. It is up to the Town Board to decide which method or methods are best to use. The Statute also provides that the “Town Board may provide for the equipping, staffing, housing, and maintenance of fire protection services” (Sec. 60.55(1)(b)).¹ With these powers the Town of Clayton provides fire protection as detailed below and is planning for future improvements to continue that level of service.

The existing fire department in the Town of Clayton is adjacent to the Town Hall in the unincorporated community of Larsen. The existing facility contains approximately 3,300 square feet of floor space. There are three heated bays which have the capacity to house six fire vehicles, other equipment, and related storage. According to the town, the existing facility offers little to no space for training.

The Clayton-Winchester Fire Department has four fire fighting units at this facility including a pumper/engine, two tankers, and a utility vehicle with a grass rig. An on-site underground storage tank/cistern provides the fire department with a readily available supply of water for the fire trucks. Another four fire-fighting units are located at the Winchester fire station. The Department currently consists of 40 volunteer firefighters. In 2003, the Department achieved an ISO rating of 6/10.

4.2 Future Fire Department Improvements

Facilities

The Town of Clayton currently plans to design and construct a new fire station in 2007. The station is planned to have two bays with room for four fire fighting vehicles with the ability to add additional bays in the future if needed. Approximately 10 acres of land will be acquired for the new facility. Acreage not utilized by the fire station structure will be used for training purposes and for possible future station expansions. The station will be located in the eastern portion of the town within the planned town center area.

Service Area

The service area of the new fire station will be defined as the entire Town of Clayton. The primary need for this new station is to serve the significant residential growth and planned commercial and industrial growth expected in the town. While the majority of this growth is

¹ Schneider, James. *Wisconsin Town Officers' Handbook*, Second Edition. 2006.

planned for the eastern portion of the town, the whole town will benefit from improved fire protection offered by the new fire station.

It currently takes as much as 15-20 minutes to service some areas of the town with the one existing fire station. The new station is expected to greatly improve overall response times in the Town of Clayton as well as meet the needs of future growth and anticipated increases in fire and emergency related calls. The new station also provides a backup in the fire protection system for the town. Apparatus and staff will be allocated to both stations.

Staffing and Equipment

The need for a new fire station is also directly related to the need for facility space to provide fire protection services at appropriate staffing levels with the proper equipment. As the Town of Clayton continues to grow, there will be a need for additional volunteers, vehicles, and equipment. According to the town, the existing fire station would not be able to fulfill these needs. Table 4-1 further details existing facilities at the Fire Department.

Table 4-1
Fire Department Inventory, 2005

	2005
Apparatus	
Tanker	2
Utility Vehicle	1
Engine/Pumper	1
Ladder	0
Small Vehicles	0
Total	4
Staff	
Volunteers	40
Facilities	
Existing Fire Station (sq.ft.)	3,300
Population	3,400
Volunteers per 1,000 Residents	11.8
Facilities per 1,000 Residents (sq. ft.)	970.6

Source: Town of Clayton.

Utilizing a projected population of 5,624 in 2025, the town would need to have approximately 66 volunteer firefighters if it wants to maintain its existing standard of 11.8 volunteers per 1,000 residents. The town would also need to have approximately 5,459 square feet of facilities in 2025 if it wants to maintain its existing standard of 970.6 square feet per 1,000 residents. Both of these locally defined standards further support the need for a new fire station within the town to accommodate the expected development in the town.

4.3 Service Level Standard

Quantitative standards for fire protection services are often established by the local Fire Department. There are relatively few national standards that can be used in order to determine the existing and future level of service. Some of the options for establishing this standard include comparing the department to other departments in the region, to other departments that serve the same population size or service area, to existing town level standards, or to county averages.

The service level standard for the Town of Clayton is based on ISO standards and evaluation. ISO is a leading source for information about risk and is a generally accepted source for determining fire protection risk. The ISO and its Public Protection Classification (PPC) program assisted the Town of Clayton in determining its risk and need for a new fire station. The result of this analysis was that for the Town of Clayton, based on ISO standards, a fire station services a five mile area. This standard then allowed the town to create a map showing the existing service area of the fire station and where a new fire station should be located to serve the remaining and growing portions of the town. See the Fire Department Driving Distances Map. This map therefore supports the location and need of the planned fire station. According to the town, if a new fire station were not developed the town's ISO rating, and therefore level of service for fire protection, would decline. A new fire station will maintain this service level standard and benefit the whole community.

As a second support for the service level standard for the Town of Clayton, response time was considered. The RAND Corporation has conducted extensive studies of fire department response times. They concluded that the average speed for a fire apparatus responding with emergency lights and siren is 35 mph. That speed considers average terrain, average traffic, weather, and slowing down for intersections. RAND therefore developed the following equation for calculating travel time:

- ◆ $T = 0.65 + 1.7D$
- ◆ T = time in minutes to the nearest 1/10 of a minute
- ◆ 0.65 = a vehicle acceleration constant for the first 0.5 mile traveled
- ◆ 1.7 = a vehicle speed constant validated for responses distances ranging from 0.5 miles to 8.0 miles
- ◆ D = distance

ISO, working with several fire departments, conducted its own review of the formula and found the RAND work still valid as a predictive tool. Utilizing this formula as a tool several conclusions can be drawn regarding the Town of Clayton. Assuming a five mile distance, the

response time in the town would be approximately 9.2 minutes. Therefore, at the very edge of the five mile distance, which encompasses nearly all of the town, an adequate response time could be achieved by either the existing or new fire station. While a 9 minute response time is not necessarily ideal, it is greatly improved from the 15 to 20 minute time which occurs in some portions of the town currently. This also assumes that these five miles are in a direct route from either station, which is unlikely. Overall, it is clear that by providing two fire stations within the town with overlapping coverage areas the response times in the town will greatly improve and thus greatly improve the overall fire protection of the entire community.

5. Allocation of Costs

Model Fire Station

Based on discussions with the Town of Clayton, fire station facility development is estimated to be similar to fire stations developed in the City of Crandon and Town of St. Germain. The Crandon facility was 9,300 square feet, masonry construction, with a wood trussed, shingled roof. The facility included four drive-through bays, a dispatch office, fire chief's office, kitchenette, meeting room, male/female restrooms with showers, and storage areas. The St. Germain facility has nearly identical features to the Crandon example. Refer to Figure 5-1 and 5-2 for pictures and further detail of the Crandon Fire Station and St. Germain Fire Station examples.

The Town of Clayton has not completed facility planning specific to town needs, therefore the Crandon facility was used as a model. Table 5-1 details the features of the Crandon Fire Station.

Table 5-1
New Fire Station Building Model, City of Crandon, Town of Clayton

Building Area	Square Feet	% of Total
Meeting Room	497	5.3%
Fire Chief's Office	110	1.2%
Kitchenette	204	2.2%
Male/Female Restrooms with Showers	208	2.2%
Storage	336	3.6%
Apparatus Space (4 bays)	6,216	66.8%
Dispatch Office	216	2.3%
Generator Room	100	1.1%
Laundry	110	1.2%
Mechanical	100	1.1%
Miscellaneous (corridors, small storage, etc.)	1,203	12.9%
Total Space	9,300	100.0%

Source: Foth & Van Dyke. All square footages are estimates based on drawings from the City of Crandon fire station.

While this facility is used as a model, some adjustments have been made based on the needs of the Town of Clayton. For example, the town desired two drive through bays with room for four vehicles. This adjustment therefore reduced the amount of space needed for apparatus bays by approximately 3,100 square feet resulting in an estimated total station size of 6,200 square feet for the Town of Clayton.

Municipal Building St. Germain, Wisconsin

The town of St. Germain needed to replace its aging fire station with a more efficient, flexible and functional facility.



New Fire Station

Foth & Van Dyke was selected by the town of St. Germain to provide architectural, structural, electrical, HVAC, site and construction-phase services for its new fire station.

Project Specifics:

- ◆ The 9,300-square-foot facility is masonry construction with a wood trussed, shingled roof. It features four drive-through apparatus bays, a dispatch office, fire chief's office, kitchenette, meeting room, male/female toilets with showers, and storage areas.
- ◆ The exterior features split-faced concrete block, with evergreen facia, soffits and roofing to recognize the northwoods setting and coordinate with other community structures.
- ◆ All windows are wood, with aluminum cladding.
- ◆ An 800 gallon per-minute irrigation well was constructed on the site for filling water tanker trucks.

Benefits:

- ◆ The town will realize long-range cost savings through superior energy saving construction techniques.
- ◆ The project team worked to preserve numerous mature trees on the site.
- ◆ Radiant heating in the apparatus bays keeps floors warm for hose drying. This system offers equal performance at a lower cost than the typical in-floor heating system.
- ◆ The building includes emergency lighting, a 15-kilowatt emergency generator and precast concrete roofing over the dispatch office to accommodate emergency government functions in case of a disaster.

Crandon Fire Station Crandon, Wisconsin

The city of Crandon needed to replace its aging fire station with a more efficient and functional facility.



New Fire Station

Foth & Van Dyke was selected by the city of Crandon to provide architectural, structural, electrical, HVAC, site and construction-phase services for its new fire station.

Project Specifics:

- ◆ The 9,300-square-foot facility is masonry construction with a wood trussed, shingled roof. It features four drive-through apparatus bays, a dispatch office, fire chief's office, kitchenette, meeting room, male/female toilets with showers, and storage areas.
- ◆ The exterior features integral color split-faced concrete block, 2" rigid insulation, 8" masonry interior walls with bullnose corners featuring hunter green facia, soffits and roofing to recognize the northwoods setting and coordinate with other community structures.
- ◆ All windows are wood, with hunter green aluminum cladding.

- ◆ 100' antenna tower with FM antenna and cabling.
- ◆ Municipal sewer and water are available to site. A 2" fill pipe for pumper trucks inside building and a 2" hose connection on the outside of building provide a practice area for volunteer fire fighters. Fill lines are on a deduct meter to subtract from domestic water costs.

Benefits:

- ◆ The city will realize long-range cost savings through superior energy saving construction techniques.
- ◆ Radiant heating in the apparatus bays keeps floors warm for hose drying and an air handling unit for quick heat recovery. This system offers high performance at a lower cost than the typical in-floor heating system.
- ◆ The building includes emergency lighting, a 15-kilowatt emergency generator and precast concrete roofing over the dispatch office to accommodate emergency government functions in case of a disaster.

5.1 Capital Costs

Table 5-2 details current fire station facility development capital cost estimates which are to be recovered from impact fees. Estimates are based on costs for development of the City of Crandon fire station example and known adjustments desired by the Town of Clayton. Costs have been adjusted to account for inflation and are shown in 2006 dollars. The table also details total estimated facility development costs and costs which can be applied to impact fees. Note that 10% of capital costs may consist of legal, engineering, and design costs which relate directly to facility development unless the town can demonstrate that its legal, engineering, and design costs need to exceed the 10% threshold.

Table 5-2
New Fire Station Capital Cost Estimates, Town of Clayton
(2006 Dollars)

	Total Estimated Costs	Impact Fee Applied Costs
<u>Building Construction</u>		
2007 Cost (assuming 3% inflation per year)*	\$610,825	\$610,825
<u>Other Costs</u>		
Land Acquisition (10 acres @ \$10,000)	\$100,000	\$100,000
Additional Infrastructure** (cistern/well, mound system, generator)	\$75,000	\$75,000
Road/Parking Area**	\$75,000	\$75,000
Road Signage/Lighting**	\$10,000	\$10,000
Sub-Total	\$870,825	\$870,825
Contingency	\$174,165	\$174,165
Planning, Design, Engineering, Legal	\$174,165	\$87,083
Total	\$1,219,155	\$1,132,073

Source: Estimates based from 1999 City of Crandon Fire Station facility development and information provided by the Town of Clayton. *Based on original 1999 building cost of \$629,400, then increased due to inflation, and reduced to account for two bays instead of four. **Cost estimates require further facility planning specifically for the Town of Clayton, costs do not include excavation.

No fire fighting vehicles or related equipment is being included in costs to be recovered by the use of impact fees. It should also be noted that while the Fire Department is a joint department with the Town of Winchester, the Town of Clayton will be fully funding the development of a new fire station. Fire station development costs are 100% attributable to the Town of Clayton. In other words, no portion of the new fire station will be used by other town departments or for other town functions on a full time or regular basis for non-firefighting related purposes.

5.2 Fire Station Impact Fee

The share of the cost that should be paid by each land use category may be calculated in a number of ways. Ideally, each land use category and each specific development should pay for fire facilities in proportion to the amount of service that it requires. However, without a model for predicting the number of calls for fire services from a particular type of land use, another factor must be used. The following tables allocate costs based on the amount of development being added to the town by 2025 based on the town's future land use map as provided in the comprehensive plan.

Tables 5-3 and 5-4 detail the computation of impact fees for fire station development in the Town of Clayton.

Table 5-3
Impact Fee Computation per Household Development, Town of Clayton

Total Fire Station Facility Cost	\$1,132,073
Share of Residential Growth Attributable to Total Future Growth ⁽¹⁾	39.6%
Share of Facility Costs Attributable to Residential	\$448,133
Future Housing Unit Growth: 2005-2025	800
Impact Fee per New Housing Unit	\$560.17

⁽¹⁾ As indicated in Table 3-5.

The total impact fee to be applied to new residential housing units is calculated to be \$560. This would be the fee charged to new single family and two family residential developments in the Town of Clayton in the defined service area. Should multi-family development occur in the town, three or more units per structure, then half of the total impact fee shall be applied to each unit within the multi-family structure. It is considered equitable for a single family home and duplex to pay the same amount in impact fees because they generally have similar lot sizes. It is also therefore considered equitable that two multi-family units are proportionate to one single family or one duplex structure.

Table 5-4
Impact Fee Computation per Square Foot for Commercial and
Industrial Development, Town of Clayton

Total Fire Station Facility Cost	\$1,132,073
Share of Industrial Growth Attributable to Total Future Growth ⁽¹⁾	43.9%
Share of Commercial Growth Attributable to Total Future Growth ⁽¹⁾	16.5%
Share of Facility Costs Attributable to Industrial	\$496,792
Share of Facility Costs Attributable to Commercial	\$187,148
Future Industrial Square Footage Growth: 2005-2025	9,539,640
Future Commercial Square Footage Growth: 2005-2025	3,593,700
Impact Fee per New Industrial Square Foot	\$0.052
Impact Fee per New Commercial Square Foot	\$0.052

⁽¹⁾ As indicated in Table 3-5.

5.3 Effect of Impact Fees on Housing Affordability

Total draft impact fee for fire station development is estimated at \$560 for each new residential unit in the town within the defined service area. The following table assesses the effect of this fee on housing affordability. Although fire station impact fees would also be charged to new commercial and industrial development, analysis of the impact on affordability is not required.

Table 5-5
Effect of Impact Fees on Housing Affordability, Town of Clayton

	Calculations	Data Sources and Assumptions
Median Housing Value	\$140,600	2000 Census
Estimated Housing Mortgage	\$133,570	Assumes median housing value less 5% for down payment.
Annual Cost of Housing:		
Annual Mortgage Payment	\$10,664	30 year mortgage at 7% interest
Estimate of Property Taxes	\$2,522	\$17.94/\$1,000, WDOR
Estimate of Insurance	\$400	
Total Annual Cost of Housing	\$13,586	
Median Household Income (1999)	\$62,551	2000 Census
Total Housing Cost as a % of Income	21.7%	
Impact Fee	\$560	
Median Housing Value + Impact Fee	\$141,160	
Annual Mortgage Payment w/Impact Fee	\$10,706	30 year mortgage at 7% interest
Annual Housing Cost with Taxes and Fees	\$13,638	
% Increase in Annual Costs	0.38%	
Annual Housing Cost with Fees as % of Income	21.8%	
Increase in % of income for Housing	0.1%	

The fire station impact fee will increase the percent of household income for housing by an estimated 0.1%. This amount is considered negligible; therefore impact fees will not have an adverse effect on affordable housing in the Town of Clayton.

Appendix A

Wisconsin Statute 66.0617, Wisconsin Act 477

storing and distributing water, parks, playgrounds and other recreational facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries except that, with regard to counties, "public facilities" does not include highways, as defined in s. 340.01 (22), other transportation facilities or traffic control devices. "Public facilities" does not include facilities owned by a school district.

(g) "Service area" means a geographic area delineated by a political subdivision within which there are public facilities.

(h) "Service standard" means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the political subdivision.

(2) GENERAL. (a) Subject to par. (am), a political subdivision may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

(am) No county may impose an impact fee under this section to recover costs related to transportation projects.

(b) Subject to par. (c), this section does not prohibit or limit the authority of a political subdivision to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a political subdivision shall be reduced, under sub. (6) (d), to compensate for any other costs of public facilities imposed by the political subdivision on developers to provide or pay for capital costs.

(c) Beginning on May 1, 1995, a political subdivision may impose and collect impact fees only under this section.

(3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a political subdivision shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class I notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

(4) PUBLIC FACILITIES NEEDS ASSESSMENT. (a) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a political subdivision shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:

1. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.

2. An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.

3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the political subdivision.

(b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the clerk of the political subdivision at least 20 days before the hearing under sub. (3).

(5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted under this section may impose different impact fees on different types of land development.

(b) An ordinance enacted under this section may delineate geographically defined zones within the political subdivision and

66.0617 Impact fees. (1) DEFINITIONS. In this section:

(a) "Capital costs" means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the political subdivision can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

(b) "Developer" means a person that constructs or creates a land development.

(c) "Impact fees" means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a political subdivision under this section.

(d) "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a political subdivision.

(e) "Political subdivision" means a city, village, town or county.

(f) "Public facilities" means highways, as defined in s. 340.01 (22), and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping,

may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the political subdivision. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

(6) STANDARDS FOR IMPACT FEES. Impact fees imposed by an ordinance enacted under this section:

(a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.

(b) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the political subdivision.

(c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

(d) Shall be reduced to compensate for other capital costs imposed by the political subdivision with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236 or any other items of value.

(e) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

(f) May not include amounts necessary to address existing deficiencies in public facilities.

(g) Shall be payable by the developer to the political subdivision, either in full or in installment payments that are approved by the political subdivision, before a building permit may be issued or other required approval may be given by the political subdivision.

(7) LOW-COST HOUSING. An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the political subdivision.

(8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from the other funds of the political subdivision. Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

(9) REFUND OF IMPACT FEES. (a) Subject to par. (b), an ordinance enacted under this section shall specify that impact fees that are imposed and collected by a political subdivision but are not used within 7 years after they are collected to pay the capital costs for which they were imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed. The ordinance shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection, subject to the 7-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a political subdivision shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

(b) The 7-year time limit for using impact fees that is specified under par. (a) may be extended for 3 years if the political subdivision adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 7-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this paragraph.

(10) APPEAL. A political subdivision that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the political subdivision.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617; 2005 a. 203.

An association of developers had standing to challenge the use of impact fees. As long as individual developers had a personal stake in the controversy, the association could contest the use of impact fees on their behalf. Further, individual developers subject to the impact fees do have the right to bring their own separate challenges. *Metropolitan Builders Association of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, 282 Wis. 2d 458, 698 N.W.2d 301, 04-1433.

Sub. (6) allows a municipality to impose impact fees for a general type of facility without committing itself to any particular proposal before charging the fees. The needs assessment must simply contain a good-faith and informed estimate of the sort of costs the municipality expects to incur for the kind of facility it plans to provide. Sub. (9) requires impact fees ordinances to specify only the type of facility for which fees are imposed. A municipality must be allowed flexibility to deal with the contingencies inherent in planning. *Metropolitan Builders Association of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, 282 Wis. 2d 458, 698 N.W.2d 301, 04-1433.

Subs. (2) and (6) (b) authorize municipalities to hold developers responsible only for the portion of capital costs whose necessity is attributable to their developments. A municipality cannot expect developers' money to subsidize the existing residents' proportionate share of the costs. If impact fees revenues exceed the developers' proportionate share of the capital costs of a project, the municipality must return those fees to the current owners of the properties for which developers paid the fees. *Metropolitan Builders Association of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, 282 Wis. 2d 458, 698 N.W.2d 301, 04-1433.

Rough Proportionality and Wisconsin's New Impact Fee. *Ishikawa*, Wis. Law, March 1995.

2005 Senate Bill 681

Date of enactment: **May 30, 2006**
Date of publication*: **June 13, 2006**

2005 WISCONSIN ACT 477

AN ACT *to repeal* 66.0617 (2) (am); *to amend* 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (e), 66.0617 (1) (f), 66.0617 (1) (g), 66.0617 (1) (h), 66.0617 (2) (a), 66.0617 (2) (b), 66.0617 (2) (c), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (a) 3., 66.0617 (4) (b), 66.0617 (5) (b), 66.0617 (6) (b), 66.0617 (6) (d), 66.0617 (6) (g), 66.0617 (7), 66.0617 (8), 66.0617 (9) (a) and 66.0617 (10); and *to create* 65.90 (3) (b) 3. and 236.45 (6) of the statutes; **relating to:** changes to the impact fee law, imposing certain publication requirements for the budget summaries that are published by political subdivisions, and imposing certain requirements on plat approval conditions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1g. 65.90 (3) (b) 3. of the statutes is created to read:

65.90 (3) (b) 3. Revenue and expenditure totals for each impact fee that is imposed by a municipality.

SECTION 1r. 66.0617 (1) (a) of the statutes is amended to read:

66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the ~~political subdivision~~ municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. “Capital costs” does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

SECTION 2. 66.0617 (1) (c) of the statutes is amended to read:

66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a ~~political subdivision~~ municipality under this section.

SECTION 3. 66.0617 (1) (d) of the statutes is amended to read:

66.0617 (1) (d) “Land development” means the construction or modification of improvements to real property that creates additional residential dwelling units within a ~~political subdivision~~ municipality or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a ~~political subdivision~~ municipality.

SECTION 4. 66.0617 (1) (e) of the statutes is amended to read:

66.0617 (1) (e) “~~Political subdivision~~” “Municipality” means a city, village, ~~town or county~~ or town.

SECTION 5. 66.0617 (1) (f) of the statutes is amended to read:

66.0617 (1) (f) “Public facilities” means highways, as defined in s. 340.01 (22), and other transportation

* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds, and ~~other recreational land for athletic fields~~, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries ~~except that, with regard to counties, "public facilities" does not include highways, as defined in s. 340.01 (22), other transportation facilities or traffic control devices.~~ "Public facilities" does not include facilities owned by a school district.

SECTION 6. 66.0617 (1) (g) of the statutes is amended to read:

66.0617 (1) (g) "Service area" means a geographic area delineated by a ~~political subdivision~~ municipality within which there are public facilities.

SECTION 7. 66.0617 (1) (h) of the statutes is amended to read:

66.0617 (1) (h) "Service standard" means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the ~~political subdivision~~ municipality.

SECTION 8. 66.0617 (2) (a) of the statutes is amended to read:

66.0617 (2) (a) ~~Subject to par. (am), a political subdivision~~ A municipality may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

SECTION 9. 66.0617 (2) (am) of the statutes is repealed.

SECTION 10. 66.0617 (2) (b) of the statutes is amended to read:

66.0617 (2) (b) Subject to par. (c), this section does not prohibit or limit the authority of a ~~political subdivision~~ municipality to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to compensate for any other costs of public facilities imposed by the ~~political subdivision~~ municipality on developers to provide or pay for capital costs.

SECTION 11. 66.0617 (2) (c) of the statutes is amended to read:

66.0617 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality may impose and collect impact fees only under this section.

SECTION 12. 66.0617 (3) of the statutes is amended to read:

66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a ~~political subdivision~~ municipality shall hold a public hearing on the proposed ordinance or amendment. Notice of the

public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

SECTION 13. 66.0617 (4) (a) (intro.) of the statutes is amended to read:

66.0617 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a ~~political subdivision~~ municipality shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:

SECTION 14. 66.0617 (4) (a) 3. of the statutes is amended to read:

66.0617 (4) (a) 3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the ~~political subdivision~~ municipality.

SECTION 15. 66.0617 (4) (b) of the statutes is amended to read:

66.0617 (4) (b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the clerk of the ~~political subdivision~~ municipality at least 20 days before the hearing under sub. (3).

SECTION 16. 66.0617 (5) (b) of the statutes is amended to read:

66.0617 (5) (b) An ordinance enacted under this section may delineate geographically defined zones within the ~~political subdivision~~ municipality and may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the ~~political subdivision~~ municipality. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

SECTION 17. 66.0617 (6) (b) of the statutes is amended to read:

66.0617 (6) (b) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the ~~political subdivision~~ municipality.

SECTION 18. 66.0617 (6) (d) of the statutes is amended to read:

66.0617 (6) (d) Shall be reduced to compensate for other capital costs imposed by the ~~political subdivision~~ municipality with respect to land development to provide

or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236 or any other items of value.

SECTION 19. 66.0617 (6) (g) of the statutes is amended to read:

66.0617 (6) (g) Shall be payable by the developer ~~or the property owner~~ to the ~~political subdivision, either municipality~~ in full ~~or in installment payments that are approved by the political subdivision, before~~ within 14 days of the issuance of a building permit may be issued or other required approval may be given within 14 days of the issuance of an occupancy permit by the ~~political subdivision~~ municipality.

SECTION 20. 66.0617 (7) of the statutes is amended to read:

66.0617 (7) **LOW-COST HOUSING.** An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the ~~political subdivision~~ municipality.

SECTION 21. 66.0617 (8) of the statutes is amended to read:

66.0617 (8) **REQUIREMENTS FOR IMPACT FEE REVENUES.** Revenues from each impact fees ~~fee that is imposed~~ shall be placed in a separate segregated, interest-bearing account and shall be accounted for separately from the other funds of the ~~political subdivision~~ municipality. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fees ~~were~~ fee was imposed, ~~unless the fee is refunded under sub. (9).~~

SECTION 22. 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin Act 203, is amended to read:

66.0617 (9) (a) Subject to par. (b), an ordinance enacted under this section shall specify that impact fees that are imposed and collected by a ~~political subdivision~~ municipality but are not used within 7 years after they are collected to pay the capital costs for which they were

imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with any interest that has accumulated, in described in sub. (8). The ordinance shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection, subject to the 7-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a ~~political subdivision~~ municipality shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

SECTION 23. 66.0617 (10) of the statutes is amended to read:

66.0617 (10) **APPEAL.** A ~~political subdivision~~ municipality that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the ~~political subdivision~~ municipality.

SECTION 25m. 236.45 (6) of the statutes is created to read:

236.45 (6) **REQUIREMENTS FOR APPROVAL CONDITIONS.** (a) Notwithstanding subs. (1) and (2) (a) (intro.), a municipality, town, or county may not, as a condition of approval under this chapter, impose any fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property.

(b) Any land dedication, easement, or other public improvement required by a municipality, town, or county as a condition of approval under this chapter must bear a rational relationship to a need for the land dedication, easement, or other public improvement resulting from the subdivision or other division of land.

SECTION 26m. Initial applicability.

(1) **REQUIREMENTS FOR APPROVAL CONDITIONS.** The treatment of section 236.45 (6) of the statutes first applies to a certified survey map, a preliminary plat, or, if no preliminary plat was submitted, a final plat that is submitted for approval on the effective date of this subsection.

Appendix B

Public Hearing Notice

STATE OF WISCONSIN }
OUTAGAMIE COUNTY } SS.

NOTICE OF PUBLIC HEARING

The Town of Clayton will have a public hearing on an ordinance relating to Impact Fees as follows:

- 1. Park and Recreation Impact Fees
- 2. Fire Station Impact Fee

Date: October 18, 2006
 Time: 6:00 P.M.
 Place: Town Municipal Building, Larsen

Ruth A. Gilkey being duly sworn on her oath, says that she is an employee of The Post-Crescent, a newspaper published by The Post Crescent, Division of Gannett Midwest Publishing Inc, a Corporation organized under and by virtue of the laws of Wisconsin, whose principal place of business is at Appleton, Wisconsin, and that as such employee she makes this affidavit in its behalf and is authorized so to do;

That the said corporation, is the publisher and printer of The Post-Crescent, a newspaper published and printed in the city of Appleton, Outagamie County, State of Wisconsin, and that the notice of which the annexed is a copy, taken from the paper in which it was published, was published in the said newspaper on the following day or days:

October 3 and 15, 2006

Ruth A. Gilkey

Subscribed and sworn to before me this
16 day of Oct 2006
Sandy Prinsen
 Notary Public, Outagamie County, WI

5000272113

of Wisconsin about \$250 million to \$300 million per year; about \$100 per household. We should also have more tax breaks for _____ (fill in the name of your favorite group), that would only cost each household \$ _____ (make up a number). And how about the _____ (fill in the name of another group you like), they are certainly deserving of a break; we could do that for only \$ _____ per household.

The government could give tax breaks to everyone over a certain age, and also everyone under a certain age - in fact, the age brackets could overlap. Because I'm in my 50s, I propose that everyone over age 50 get a 50 percent reduction in state income tax, and everyone under age 60 get a 60 percent break in real estate tax.

Using my 50/60 plan, I'd save a bunch each year and it would only cost the other taxpayers a few hundred or thousand dollars per year. Sweet.

That's enough sarcasm on my part, and enough political pandering on Mark Green's part.

By the way, neither Mr. Green nor the Republicans have a monopoly on political pandering; many other politicians are equally guilty.

Richard Tanzer,
Neenah

columnists

send us two sample columns, each between 600 and 800 words. We'll be taking applications and sample columns until Oct. 23.

You can send yours to Larry Gallup, *The Post-Crescent*, P.O. Box 59, Appleton, WI, 54912, or you can e-mail it to lgallup@postcrescent.com. If you have questions, please call 920-993-1000, ext. 375.

tion, and if you feel inspired, you e-mail us in return with your response. We run selected responses every Monday. If you'd like to be considered for the Reader Reaction Forum, please e-mail your name, city of residence and some information about yourself to Op-Ed Editor Matt Neistein at mneistein@postcrescent.com.

NOTICE OF PUBLIC HEARING

The Town of Clayton will have a public hearing on an ordinance relating to Impact Fees as follows:

1. Park and Recreation Impact Fees
2. Fire Station Impact Fee

Date: October 18, 2006
Time: 6:00 P.M.
Place: Town Municipal Building, Larsen

Copy of the Public Facilities Need Assessment can be obtained by calling the Town Office 836-2007 or by coming directly to the Town Office location at 8358 County Road T, Larsen.

Run October 2 & 15, 2006 5008272133

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Mark Connors
Au.D. CCC-A



Cathy Driefuerst
Au.D. CCC-A



Erin Krueger
Au.D. CCC-A



Janet Thibert
Au.D. CCC-A



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Appendix C

Impact Fee Ordinance

ORDINANCE NO. _____
AN ORDINANCE OF THE TOWN OF CLAYTON AS IT RELATES
TO FIRE STATION IMPACT FEES

The Town Board of the Town of Clayton, Winnebago County, Wisconsin, does ordain as follows:

- 1.01 Authority
- 1.02 Purpose
- 1.03 Definitions
- 1.04 Public Facilities Needs Assessment
- 1.05 Imposition of Impact Fees
- 1.06 Fire Station Facilities Impact Fee
- 1.07 Fee Reduction
- 1.08 Exemption From Fees
- 1.09 Administration and Review
- 1.10 Appeal
- 1.11 Severability
- 1.12 Adoption
- 1.13 Effective Date

1.01 **AUTHORITY.** This Ordinance is authorized under §66.0617, Wis. Stats. The provisions of this Ordinance shall not be construed to limit the power of the Town to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance.

1.02 **PURPOSE.** The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community and to facilitate the adequate provision of fire protection facilities by imposing impact fees upon developers or property owners to pay for the capital costs of public facilities that are necessary to accommodate land development.

1.03 **DEFINITIONS.** As used in this Ordinance, the following terms shall have the meanings indicated:

- 1) **CAPITAL COST.** The capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. Capital costs does not include other non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

- 2) DEVELOPER or PROPERTY OWNER. A person that constructs or creates land development.
 - 3) IMPACT FEES. Cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer or property owner by the Town under this Ordinance.
 - 4) LAND DEVELOPMENT. The construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
 - 5) PUBLIC FACILITIES. Means highways, as defined in s. 340.01 (22) Wisconsin Statutes, and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds, and land for athletic facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “Public facilities” does not include facilities owned by a school district.
- 1.04 PUBLIC FACILITIES NEEDS ASSESSMENT. New public facilities or improvements or expansions of existing public facilities as it relates to fire protection that are required because of land development for which impact fees will be imposed are those which are identified in the fire station public facilities needs assessment report prepared prior to the adoption of this Ordinance and any amendments hereto. The fire station public facilities needs assessment report that forms the basis of any impact fees imposed by the Town by this Ordinance shall be kept on file in the office of the Town Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this Ordinance and any amendments. A Class 1 notice is required prior to any public hearing. The fire station public facilities needs assessment report shall remain on file in the office of the Town Clerk for the entire period during which impact fees are collected.
- 1.05 IMPOSITION OF IMPACT FEES. Impact fees are hereby imposed on all developments and land divisions within the Town of Clayton and shall be calculated pursuant to this Ordinance. For residential and non-residential developments, impact fees shall be payable by the developer or property owner to the Town in full within 14 days of the issuance of a building permit and/or occupancy permit. The permit is issued on a conditional basis with the condition being payment of the impact fee within 14 days. If the impact fee is not paid in 14 days of issuance of the permit, the permit is then null and void.
- 1.06 FIRE STATION FACILITIES IMPACT FEE. (1) Any developer or property owner creating or constructing development in the Town shall pay a fee to the Town to provide for the capital costs necessary to accommodate the fire protection needs of land development, except as provided in §1.08.
- (2) The amount of the fee per residential structure to be constructed or created by the proposed development, subject to adjustment pursuant to §1.09, shall be as follows:

- (a) For single-family or two-family residential development, the fee shall be \$560 per structure.
- (b) For multi-family residential development of three or more dwelling units the fee shall be \$280 per dwelling unit within each multi-family residential structure.
- (c) For commercial and institutional development, the fee shall be \$0.052 per square foot of building space.
- (d) For industrial development, the fee shall be \$0.052 per square foot of building space.

(3) Such fees collected by the Town shall be placed in a separate segregated, interest bearing account and shall be accounted for separately from other funds of the Town. The Town shall keep an account of all impact fees paid by date, tax parcel number and amount. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed.

(4) Such fees shall be expended by the Town for the aforesaid purpose within seven (7) years after they were collected, or such fee amount paid shall be refunded by the Town to the current owner of the property with respect to which the impact fee was imposed, along with any interest that has accumulated. Under extenuating circumstances, the Town of Clayton may, and reserves the right to, extend this period to ten (10) years with the adoption of a resolution. The resolution shall specify the extenuating circumstances or hardship that led to the need for extending the period.

- 1.07 FEE REDUCTION. Any impact fee imposed under this Ordinance shall be reduced to compensate for other capital costs imposed by the Town with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236, Wis. Stats. or any other items of value. Impact fees imposed under this Ordinance shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fee was imposed.
- 1.08 EXEMPTION FROM FEES. The lawful new construction of a single family dwelling structure razed or to be razed within one year of the date of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this Ordinance. Any new construction of a single family dwelling structure upon a single parcel of land involving the demolition of a preexisting residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon application to the Town Board and a finding by the Town Board that such project does not bear a rational relationship to the need for new, expanded or improved facilities required to serve such development. Such application shall be made to the Town Board prior to the payment of any fees under this Ordinance.
- 1.09 ADMINISTRATION AND REVIEW. All fees collected and special accounts maintained under this Ordinance shall be subject to administration by the Town Treasurer. The Treasurer shall report annually to the Town Board with regard to all deposits,

withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Town Board with information necessary to determine that all funds collected are spend within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Town Board may determine where there exists any reasonable need for refund of fees previously collected. The Town Board shall as part of its annual budget process review the impact fee imposed under this Ordinance.

The Town also reserves the right to apply a reasonable inflationary factor to estimated capital costs provided in the Public Facilities Needs Assessment.

- 1.10 APPEAL. Any developer or property owner upon whom an impact fee is imposed under this Ordinance shall have the right to contest the amount, collection or use of the impact fee to the Town Board, provided the developer or property owner files a written notice of appeal in the Town Clerk's office within 15 days of the building and/or occupancy permit approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's or property owner's name, address, telephone number, and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Town Clerk shall schedule the appeal for consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances, but within 45 days of receipt of written notice of appeal, and shall notify the developer or property owner of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.
- 1.11 SEVERABILITY. If any provision of this Ordinance is found to be illegal, the remaining provisions shall remain in effect.
- 1.12 ADOPTION. The schedule of impact fees above are based upon the Public Facilities Needs Assessment for Fire Station Impact Fee for the Town of Clayton dated December, 2006, and adopted by the Town Board by resolution number _____ dated _____, 2006.
- 1.13 EFFECTIVE DATE. This Ordinance shall take effect on _____.

Adopted this ____ day of _____, _____.